

Original Approval Date: June 14, 2019

Effective Date: September 1, 2019

Parent Policy: Workplace Impairment Policy

Drug Testing Procedure

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| Office of Accountability: | Provost and Vice-President (Academic) and Vice-President (Finance and Administration) |
| Office of Administrative Responsibility: | Vice-Provost and Associate Vice-President (Human Resources) |
| Approver: | Board of Governors (Board Human Resources and Compensation Committee) |
| Scope: | Compliance with this University policy extends to all academic, support and excluded staff, post-doctoral fellows, and academic colleagues as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); academically employed graduate students; third party contractors; and volunteers. |

Overview

Impairment in the **workplace** can increase the risk of **employee** actions causing damage or injury to persons, property, reputation, security or the environment. **Safety-sensitive positions** are particularly susceptible to increased risk due to **impairment** in the workplace. In order to effectively manage impairment in the workplace, **drug testing** may be required under certain circumstances.

Purpose

The purpose of this procedure is to outline the procedures that apply when determining when and how the University of Alberta will conduct **drug** testing on its employees. Drug testing is only one tool to assist in determining workplace impairment and will be used along with workplace observation, employee disclosure, reporting requirements, and employee behavior monitoring.

PROCEDURE

1. CIRCUMSTANCES IN WHICH DRUG TESTING MAY BE USED

The University of Alberta reserves the right to conduct drug testing in accordance with the *Workplace Impairment Policy*. There are three scenarios in which the University may require drug testing :

- a) Post-Incident - as part of an investigation into a **serious incident or near miss** where impairment is a suspected cause.

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- b) **Reasonable suspicion** - where the employee exhibits observable signs of impairment during work time.
- c) Pursuant to a reinstatement monitoring agreement, a continued employment agreement, or any other agreement entered into by the University, the employee and the employee's union or association (where applicable).

Impairment during work time will typically be managed through observation, self-reporting, employee management, and a respectful workplace in order to maintain a high standard in safety sensitive positions, however drug testing may be used as a supplement to these measures in the noted circumstances.

The Vice-Provost and Associate Vice-President (Human Resources) may invoke the drug testing procedure in circumstances where they deem it appropriate or upon recommendation from a Dean, Associate Vice-President or the most senior administrator for an academic or administrative unit, who shall consult with Human Resources prior to making any such recommendation.

If drug testing is conducted on an employee who is represented by a union or staff association, the employee will be advised of their right to representation by the union or staff association and the union or staff association shall be advised at the earliest possible opportunity that the employee has undergone drug testing.

2. CONDUCTING A DRUG TEST

Drug testing must be conducted as soon as practical upon the presentation of the applicable circumstances noted in this procedure and the related *Workplace Impairment Policy*. All drug tests will be completed by a third-party provider that specializes in workplace-related drug testing.

If an employee is required to submit to a test, they will be removed from duty until the test is complete and must remain under direct supervision until they are transported to and from the testing site.

If an employee fails to report directly for a test, refuses to submit to a test upon request in accordance with this policy and related procedures, refuses to agree to disclosure of a test result to the University, attempts to tamper with a test sample, or otherwise obstructs the testing process, they will be deemed to have tested positive.

3. STEPS FOLLOWING A NEGATIVE TEST

Where the drug test is negative for drugs that may have caused the employee to not be **fit for work** during **work time**, any concerns regarding employee behavior and workplace performance will be handled in accordance with the appropriate collective agreements or University of Alberta policies.

4. STEPS FOLLOWING A POSITIVE TEST

Where the drug test is positive for drugs that may have caused the employee to not be fit for work during work time, the employee may be subject to disciplinary and other action pursuant to any applicable collective and other agreements, legislation, or University policy, up to and including termination of employment and prosecution if appropriate. Typically any positive test will be considered in combination with surrounding circumstances including workplace observation and employee reporting. Employee performance will be managed in accordance with the appropriate collective agreements and University of Alberta policies.

5. PRIVACY

Any **personal information** (including health information) collected, used or disclosed under this procedure will occur only in compliance with the Freedom of Information and Protection of Privacy Act, the Personal Information Protection Act, and the University's related Access to Information and Protection of Privacy Procedure and Policy.

DEFINITIONS

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| Any definitions listed in the following table apply to this document and its related policies and procedures only with no implied or intended institution-wide use. ▲Top | |
| Workplace | Any place where employees, volunteers, or contractors of the University of Alberta perform work as part of their assigned responsibilities. |
| Employee | Includes academic staff, support staff, excluded staff, management, administrators, student staff, post-doctoral fellows, volunteers, contractors, or other staff. |
| Safety-Sensitive Position | Position where some or all of the work duties and operational processes have the potential, if performed improperly, for a serious incident or near miss. A safety-sensitive position includes positions where only certain duties are safety-sensitive. |
| Impairment | The state of being unable to perform work-safely and productively, including not being fit for work because of intoxication by alcohol or drugs. |
| Drug Testing | A test that examines a person's blood, urine, breath, saliva, or other sample to determine the presence of impairing substances in the body. |
| Drug | <p>Any substance, including but not limited to alcohol, cannabis, illicit drugs or medications (prescribed or over-the-counter), or other mood-altering substance, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For purposes of this policy, drugs of concern are those that affect whether an employee is fit for work.</p> <p><u>Alcohol</u> refers to beer, wine and distilled spirits, and includes the alcohol found in medicines or other products.</p> <p><u>Cannabis</u> refers to a cannabis plant or bi-product of a cannabis plant obtained legally for recreational use or medicinal use.</p> <p><u>Illicit Drug</u> means any drug or substance whose use, sale, possession, purchase or transfer is restricted or prohibited by law.</p> <p><u>Medication</u> refers to a drug obtained legally, either over-the-counter or through a doctor's prescription or appropriate authorization, designed to remedy, control or prevent illness. For clarity, in the case of medicinal cannabis, the employee must have an authorization for use to the extent such authorization is required by law for medicinal use.</p> |

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| <p>Serious Incident or Near Miss</p> | <p>Refers to an unplanned event, circumstance or condition that caused or had a high likelihood to cause damage or injury to person, property, reputation, security or the environment, and/or would result in a report to a municipal, provincial, or federal regulator.</p> |
| <p>Reasonable Suspicion</p> | <p>Inference based on circumstances, observations, and/or reports that indicate impairment in the workplace may be present or that the employee is under the influence of alcohol or drugs.</p> |
| <p>Fit for Work</p> | <p>Refers to an employee's ability to maintain a physical, mental, and emotional state that enables them to perform the physical and mental demands of their job and/or duties safely, effectively, and in a manner that does not increase risk to themselves and others or the University. This includes being free from impairment by alcohol or drugs, the misuse of and/or failure to take medications as prescribed, and/or any condition that could impair a person's ability to work safely.</p> |
| <p>Work time</p> | <p>The period of time when the employee is expected to perform or be ready to perform any duties of their position. This includes all breaks, both scheduled and unscheduled time, and generally any time that the employee is engaged in work, activity or travel in their capacity as a University of Alberta employee.</p> |
| <p>Personal Information</p> | <p>Personal information means recorded information about an identifiable individual. This includes information such as the individual's:</p> <ul style="list-style-type: none"> a. name and contact information, age, and gender; b. student or employee ID #, or other identifying number; c. application for employment, salary, employment evaluations, and other employment history; d. grades, assignments, and other educational history; e. health information or financial information; f. race, national or ethnic origin, or colour; g. religious or political beliefs or associations; h. marital status or family status; i. biometric information; and j. criminal history. <p>These are examples only, and not a comprehensive list. Further examples of personal information are set out in the Appendix to Access to Information and Protection of Privacy Procedure.</p> |

RELATED LINKS

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[Access to Information and Protection of Privacy Policy](#)

[Access to Information and Protection of Privacy Procedure](#)

[Workplace Impairment Policy](#)

[Managing Impairment in Safety-Sensitive Positions Procedure](#)

[Workplace Impairment Disclosure and Reporting Procedure](#)